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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,550	01/30/2002	Christian Schann	MCA-490 D US	2027
25182	7590	01/15/2004		
MILLIPORE CORPORATION 290 CONCORD ROAD BILLERICA, MA 01821				
			EXAMINER OCAMPO, MARIANNE S	
			ART UNIT 1723	PAPER NUMBER
DATE MAILED: 01/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/060,550

Applicant(s)

SCHANN, CHRISTIAN

Examiner

Marianne S. Ocampo

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003 and 08 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8 – 13 are rejected under 35 U.S.C. 102 (b) as being anticipated by Leason (US 4,113,627).

3. With regards to claim 8, Leason discloses a filter unit (13, 150) for removing contaminants from a fluid stream comprising a thermoplastic support member or housing (14 or 162, 13 or 160, 152), a porous filter element (12 or 154) and a thermoplastic overmold sealing member (182), the thermoplastic support member or housing (152) being formed of a first support part (162) and a second support part (160), each having at least one fluid flow passageway (168, 170), and at least one thermoplastic overmold flow passageway, the filter element (154) extending over the fluid flow passageways, its periphery adjacent to at least one thermoplastic overmold flow passageway (defined by space between a radially inward or outward extending flange of the overmold 96 and an axially extending portion thereof) and

secured to the thermoplastic first and second support parts (160, 162) by the thermoplastic overmold sealing member (182) also being disposed through the thermoplastic overmold flow passageway (adjacent the fluid passageways 168 and 170), as in figs. 9 - 11 and cols. 6 - 9.

4. Regarding claim 9, Leason has disclosed the limitations of claim 8 above. Leason also discloses the fluid passageway of the first support part forming an inlet/outlet (126 or 170) to the filter unit (150 or 100) and the unit further comprising means for minimizing obturation (in the form of a plate 156, 174 or a grid plate 113, 121, 124) of the filter element (154 or 112) by male luer fittings, wherein the means for minimizing obturation (113 or 154) is disposed between the inlet (in reverse flow mode, 126 or 170) and the filter element, as in figs. 7 - 8 & 10 - 11. Here the examiner has considered the direction of fluid flow could be reversed accordingly as a matter of choice of the user (i.e. flow from 126 or 170 and out towards the other port 125 or 168, and this would not change the operation of the device of the prior art, thereby making port 126 or 179 the inlet and the other port 125 or 168 the outlet port).

5. Concerning claims 10 - 11, Leason has disclosed the limitations of claim 8 above. Leason further discloses another embodiment of the filter unit (i.e. 93 or 100) further comprising means for centering (i.e. a centering aid) the filter unit when used in automated applications, the means for centering/centering aid being formed as an outer surface (formed on the outer surface of housing part 122 or 95) of the at least first support part (122 or 95), as in figs. 6 - 8 & 16.

6. With regards to claim 12, Leason has disclosed the limitations of claim 8 above. Leason disclose the filter unit further comprising an anti-obturation plate (156 or 113) for minimizing obturation of the filter element by male luer fittings, the plate being positioned between the inlet (126 or 170) and the filter element (154 or 112), as in figs. 8 & 10 – 11.

7. Regarding claim 13, Leason has disclosed the limitations of claim 8 above. Leason disclose the filter unit further comprising at least one aperture (opening) at an inner end of the thermoplastic overmold passageway (the aperture being the opening of the passageway and that of the overmold for receiving the outer periphery of the housing part 95 or 77), as in fig. 16.

*Allowable Subject Matter*

8. Claims 14 – 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the closest prior art is Leason presented above. Leason and those prior art searched, have failed to disclose or render obvious a filter unit having all the combination of limitations recited in the claims 8 and 14 having the limitation of at least one aperture at an inner end of the thermoplastic

overmold passageway and the thermoplastic sealing member being disposed in the at least one aperture, and a filter unit having all the combination of limitations recited in the claims 8 and 15 having the limitation of at least one aperture at an inner end of the thermoplastic overmold passageway and the thermoplastic sealing member being disposed in the at least one aperture in the form of a rivet.

### *Response to Arguments*

10. Applicant's arguments filed 9-8-03 have been fully considered but they are not persuasive. Contrary to what applicant alleges, Leason does disclose the presence of a thermoplastic overmold passageway (defined by the radially inward extending parts/flanges of the overmold and the axially/longitudinally extending portion thereof), as in figs. 1 – 16. Without the presence of this overmold passageway in Leason's prior art/product, it would be impossible to receive in order to join the two housing halves that form the filter unit. With regards to the rest of the arguments, applicant is being referred to the rejections presented above.

11. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Conclusion***

12. Since the same prior art has been used against the claims in the rejections above, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (571) 272 - 1144. The examiner can normally be reached on Tuesdays and Thursdays to Fridays from 8:30 A.M. to 4:30 P.M..

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

M.S.O.

  
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